

SYMPOSIUM/WEBINAR

Child's right to identity in assisted reproductive technology

13-14 SEPTEMBER 2021 (13H15-16H30 CET, 7H15-10H30 EST)

Assisted reproductive technology (ART), including recourse to surrogacy, is increasingly being used for family formation. Children born through these methods have **the same rights** as all children under the United Nations Convention on the Rights of the Child (CRC).

However, the human rights of children born through these methods are **at risk of multiple violations**, particularly their rights to identity (Article 8 CRC) and to not be sold according to the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (OPSC). When a child is missing identity information and/or their identity is sold, this can have a **lifelong impact of a legal, medical and/or psychosocial nature**.

The 2019 COE report Anonymous donation of sperm and oocytes: balancing the rights of parents, donors and children estimates approximately **8 million children** have been born to date through this procedure, recommending that "anonymity should be waived for all future gamete donations in Council of Europe member States, and the use of anonymously donated sperm and oocytes should be prohibited" and that gamete donation should occur "without any financial gain or comparable advantage for the donor."

Despite such a recommendation and international standards, States have wide varying practices, including permitting the **use of anonymous gametes** as well as **sale of gametes**. Further certain surrogacy practices can lead to the **sale of children and their identity**. As such this webinar explores the **importance of protecting the child's right to identity** in how it is created, how it may be modified and/or falsified in ART as well as the **need to preserve information about the child's identity**, notably family relations. The webinar addresses the significant issue of State's responsibility to speedily **re-establish the child's identity** when there are missing elements.

This symposium is set up as a **hybrid event**

- webinar to ensure **greatest possible access** where a link will be sent to all participants beginning of September, so please **Save the Date** in your calendars.
- physical meeting for a limited number of participants, to **facilitate exchanges and networking**. Registrations for the physical meeting will be confirmed in **late August** depending on the Swiss authorities response to the pandemic via email. As such those planning to attend physically are encouraged to make bookings where cancellation is possible **free of cost**.

REGISTRATION:

<https://www.brocher.ch/en/events/445/child-s-right-to-identity-in-assisted-reproductive-technology/>

MODERATOR

Maud de Boer-Buquicchio, Child Identity Protection president, former UN SR on sale and sexual exploitation, former Deputy Secretary General, Council of Europe

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FURTHER INFORMATION:

www.child-identity.org
or info@child-identity.org

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SESSION 1: 13H15 TO 14H15

ART in the context
of the child's right to identity

Professor Israël Nisand – Professor Nisand will explain assisted reproductive technology from medical perspective and implications for children

Dr Claire Achmad – Dr Achmad will explore the importance of Article 8 CRC in ART matters

Professor Olga Khazova – As a former CRC Committee member, Professor Khazova will explore the Committee's jurisprudence related to assisted reproductive technology and child's identity, and opportunities that the Third Optional Protocol (OPIC) in that regard opens.

Tanja E.J. Kleinsorge – As Head of the Secretariat of the PACE Committee on Social Affairs, Health and Sustainable Development, she will present the 2019 PACE recommendation on «Anonymous donation of sperm and oocytes: balancing the rights of parents, donors and children»

Pause: 14h15 to 14h45

SESSION 2: 14H45 TO 16H

Implications for children, as well as
into adulthood, when child's right to
identity is contravened and preventative
measures

Professor Dainius Puras – As a former UN Special Rapporteur on the right to physical and mental health and CRC Committee member, Professor Puras will explore the potential mental health issues arising from being born from anonymous gametes and born through surrogacy

Arthur Kermalvezen – will explain his experience of knowing from childhood that he was donor conceived, having grown up in a loving family and yet the need to know his origins.

Audrey Kermalvezen – a bioethics lawyer, Audrey will discuss her own experience discovering at 29, that she was donor conceived and the basis of her case before the European Court of Human Rights.

Dr Elena Brodeala - Post-doctoral researcher at the University of Zurich will explain multi-disciplinary approach of the Human Reproduction Reloaded research project, including the ongoing work with people conceived through ART.

See biographies of many of the speakers at

<https://www.child-identity.org/index.php/en/about-us/who-we-are.html>

SESSION 1 (13H15 TO 14H15)

Surrogacy in the context
of the child's right to identity

Laura Martinez-Mora – As a Secretary of the HCCH, she leads the work on parentage/surrogacy. Laura will explain the purpose of the HCCH parentage/surrogacy project and potential instrument(s)

Dr Michael Wells-Greco – Dr Wells-Greco will explore the importance of keeping accurate birth records and preventing statelessness of any child born through surrogacy

Dr Nigel Cantwell – Nigel will explain why the best interests of the child in surrogacy arrangements must be the paramount consideration if the child's right to identity is to be upheld effectively

Dr Catherine Lynch, lawyer and Vice President of Adoptee Rights Australia Inc. and **Anna Kerr**, Principal Solicitor of Feminist Legal Clinic Inc. will discuss the moral imperative that the rights of children are not to be considered in a "balancing act" with the rights of adults but rather are paramount, placed above the rights of adults, a principle enshrined in the UNCRC, particularly article 9

Pause: 14h15 to 14h45

SESSION 2 (14H45 TO 16H)

Implications for children, as well as
into adulthood, when child's right to
identity is contravened and preventative
measures

Wanchai Roujanavong – As the Thai representative to the ASEAN Commission on the Promotion and Protection of the Rights of Women and Children, he will discuss the current trends in the region, with a specific focus on Thailand

John Pascoe – Former Chief Justice of the Family Court of Australia will provide case examples of how children's rights in surrogacy arrangements are currently contravened

Dr Patricia Fronek – Dr Fronek will explain role of the social worker in pre-surrogacy procedures and benefits for children, intending parent(s) and the surrogate mother

From the Ministry of Social Affairs and Services in Israel, **Leora Abramowitz**, Attorney, Legal Department and **Dr Tali Burla** Chief Social Worker, Surrogacy Law, Supervisor for Surrogacy and New Families, will present the involvement and practice of social workers in Israeli domestic surrogacy cases pre and post birth, as well as a brief overview of the Israeli law, from the perspective of the child.

Professor David Smolin – Professor Smolin will explore the need to prevent the sale of the children, including their identities, in surrogacy arrangements